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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,791	08/24/2001	Sayling Wen	41937-2004	2158
23562	7590	09/14/2005		
BAKER & MCKENZIE PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			EXAMINER THERIAULT, STEVEN B	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,791

Applicant(s)

WEN ET AL.

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 06/30/2005.

This action is made Final.

2. Claims 1-32 are pending in the case. Claims 1, 15 and 17 are the independent claims. Claims 1-32 are the amended claims.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor.

Applicant has stated that one of the inventors has past away and another has terminated employment with the assignee and will petition the office in accordance with 37 CFR 1.17(h). Applicant should also consult 35 USC 115 and 116 regarding acceptable oath or declarations and 37 CFR 1.47 regarding a non-signing Inventor.

Claim Rejections - 35 USC § 102

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 15, 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Herigstad et al (hereinafter Herigstad) U.S. Patent No. 6,731,316 B2 issued May 4, 2004 and filed February 25, 2000.**

In regard to **Independent claim 1**, Herigstad teaches a navigation system for a computer running an application software program by a user under a host operating system, said navigation system comprising:

- *A user interface comprising a user interface module to provide an interface between said computer and said user by issuing at least one interface requests during a use of said application software program by said user; (Herigstad column 3, lines 55-67 and figure 8)*
Herigstad teaches a visually intuitive interface and apparatus having a display and a numbered keypad with keys. Each section on the display provides a visual indication of the selection associated with one of the keys on the pad.
- *Said user issuing said interface requests by pressing a single key on a keyboard of said computer; said key corresponding to text based program option information in proximity to a discrete option menu presented to said user by said application software program; (Herigstad column 4, lines 1-67 and figure 8)* Herigstad teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region. Herigstad also teaches that the regions on the screen can be text, which directly associates regions on the screen with the keyboard options. Further, Herigstad teaches that a selection of a choice may cause a new display to be shown on the display that contains additional information or choices related to the selection, which is a menu (see column 4, lines 6-10 and 55-62)
- *A kernel unit comprising an interface database module to store said text-based program options information; (Herigstad figure 7 and column 7, lines 1-35)* Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device.
- *An interface graphics module to store graphics information; an interface response module to receive said interface requests issued by said user;*(Herigstad column 7, lines 30-37 and

figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device, which would include storing of the graphic information and for receiving the user interface requests.

- And an interface generator module to receive said text-based program option information and said graphics information and generate at least one visual-effect symbols to present to said user based on said text and graphics information under said issued interface requests.

(Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in software rather the hardware, firmware or any combination thereof. Further, Herigstad shows the process of selecting text in a region on a screen (see Figure 11b) in which, the user selects the text and additional information is displayed along with the visual effect.

It is the examiners interpretation that a kernel is the central program of any operating system and it allows a program to talk directly to the hardware of the computer. For example, in order to put a symbol on the computer screen, a program must request the kernel to put the symbol in a certain place on the display screen. Therefore, the embodiment discloses the circuitry to process the application on the display.

With respect to **dependent claim 2**, Herigstad teaches *the navigation system where said visual-effect symbol is a representation of a push buttons displayed on the screen of said computer.*

(Herigstad column 2, lines 1-51) Herigstad teaches the display contains correlations to numbered buttons and an indication of the button selection. Herigstad also teaches the visual effect of showing a push button event in the interface (see figure 2c and 3).

With respect to **dependent claim 3**, Herigstad teaches *the navigation system where said application software program is a user-friendly application software system incorporating at least*

one interface for access by the users. (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area. Herigstad teaches that the selection of one item may display additional information or an array of further choices (see column 4, lines 5-10).

With respect to **dependent claim 4**, Herigstad teaches *the navigation system wherein said application software program is a user-friendly One-Touch OS application software system to process a daily-life computer application for the users.* (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area, which are daily computer life applications.

In regard to **Independent claim 15**, Herigstad teaches a navigation system for a computer running an application software program by a user under a host operating system, said navigation system comprising:

- *A user interface comprising a user interface module to provide an interface between said computer and said user by issuing at least one interface requests during a use of said application software program by said user;* (Herigstad column 3, lines 55-67 and figure 8)
Herigstad teaches a visually intuitive interface and apparatus having a display and a numbered keypad with keys. Each section on the display provides a visual indication of the selection associated with one of the keys on the pad. The device contains the hardware or software logic for processing an associated event in the interface when a user depresses a corresponding single touch key on the keyboard (see column 5, lines 15-25).
- *Said user issuing said interface requests by pressing a single key on a keyboard of said computer; said key corresponding to text-based program option information in proximity to a discrete option menu presented to said user by said application software program;* (Herigstad

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column 4, lines 1-67 and figure 8) Herigstad teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region. Further, Herigstad teaches that a selection of a choice may cause a new display to be shown on the display that contains additional information or choices related to the selection, which is a menu (see column 4, lines 6-10 and 55-62)

- *A kernel unit comprising an interface database module to store said text-based program option information;* (Herigstad figure 7 and column 7, lines 1-35) Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device and telephony logic and logic circuitry for controlling the operations of the phone and the display programs.
- *An interface graphics module to store graphics information;* (Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device
- *An interface response module to receive said interface requests issued by said user; An interface generator module to receive said text-based program option information and said graphics information and generate at least one visual-effect symbols of a push button displayed on a screen of said computer to present to said user based on said text and graphics information under said issued interface requests.* (Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in software rather the hardware, firmware or any combination thereof. Further, Herigstad shows the process of selecting text in a region on a screen (see Figure 11b) in which, the user selects the text and additional information is displayed along with the visual effect.

With respect to **dependent claim 16**, Herigstad teaches the navigation system wherein said application software program is a user-friendly application software system incorporating at least one

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interface for intuitive access by the users. (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area. Herigstad teaches that the selection of one item may display additional information or an array of further choices (see column 4, lines 5-10).

In regard to **Independent claim 17**, Herigstad teaches a computer running an application software program by a user under a host operating system, said application software program comprising

- *A user interface and a kernel unit; said user interface comprising a user interface module to provide an interface between said computer and said user by issuing an interface request during a use of said application software program by said user;* (Herigstad column 3, lines 55-67 and column 4, lines 1-67 and figure 8) Herigstad teaches a visually intuitive interface and apparatus having a display and a numbered keypad with keys. Each section on the display provides a visual indication of the selection associated with one of the keys on the pad. Herigstad also teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region.
- *[Said kernel unit comprising an interface database module to store text-based program options information; an interface graphics module to store graphics information;]* (Herigstad figure 7 and column 7, lines 1-35) Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device and telephony logic and logic circuitry for controlling the operations of the phone and the display programs;
- *[An interface response module to receive said interface requests issued by said user; an interface generator module to receive said text-based program option information and said graphics information;]* Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in

software rather the hardware, firmware or any combination thereof (Herigstad column 7, lines 30-37 and figure 7); a method to navigate said computer comprising the steps of:

- *Generating a menu of at least one option containing at least one visual-effect symbol representing said option based on said text-based program option information and graphics information under said issued interface requests for selection by said user,* (Herigstad Figure 8) Herigstad teaches a plurality of symbols that represent programs and where the visual effect can be text that relate to a program option (see Figure 11b and column 4, lines 55-62).
- *Said user selecting said options by pressing a single key on a keyboard of said computer; said key corresponding to said text-based program option information in proximity to said option; and navigating through said application software program by implementing said single key-press selection at least one time.* (Herigstad column 2, lines 1-67 and column 5, lines 31-67) Herigstad teaches the use of specific keys to activate applications and the use of the keys to navigate sub-functions for the program. Herigstad teaches the options in the display can be text and are program options displayed to the user for further selection of the operations within the GUI (column 4, lines 55-62 an Figure 11b.).

With respect to **dependent claims 18 and 19**, Herigstad [*teaches the method of navigation where said step of navigating through said application software program by implementing said single key-press selection further comprises the step of selecting in a major program loop, wherein said major program loop providing to said user at least one option including a functional category of said application software program and where a sub program loop, where said sub program loop providing to said user at least one option including a sub-functional category of said application software program.*] (Herigstad column 5, lines 29-67) Herigstad teaches the major group level application of using a map and while the user is using

the map there are sub-levels of the map. The phone accesses a database or local cache to deliver the maps to the phone. The user is then allowed to select another area on the map to drill down to the desired level of detail in the map. Herigstad also teaches that the selection of one item may display additional information or an array of further sub-choices (see column 4, lines 5-10).

With respect to **dependent claim 20**, Herigstad teaches *the method of navigation wherein said visual-effect symbol is a representation of a push button displayed on a screen of said computer*. (Herigstad column 2, lines 1-51) Herigstad teaches the display contains correlations to numbered buttons and an indication of the button selection. Herigstad also teaches the visual effect of showing a push button event in the interface (see figure 2c and 3).

With respect to **dependent claim 21**, Herigstad teaches *the method of navigation wherein said application software program is a user-friendly application software system incorporating at least one interface for access by the users*. (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area, which is at least one interface.

With respect to **dependent claim 22**, Herigstad teaches *the method of navigation wherein said application software program is a user-friendly One-Touch OS application software system to process daily-life computer applications for the users*. (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area, which are daily computer life applications.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections - 35 USC § 103

- 6 The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 7. Claims 5-14 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herigstad as applied to claims 1, 15 and 17 above, and further in view of CE Software Incorporated (Hereinafter CE), "Quickeys for Macintosh", 2000.**

With respect to **dependent claims 5-14 and 23-32**, as indicated in the above discussion, Herigstad teaches every element of claims 4 and 21.

Herigstad suggests that the display can contain text and graphical information and a number applications that can be run in the device and is not limited to what has been shown and that the device can be used with a computer, pda, cell phone, interactive television system and an Internet appliance (Herigstad column 2, lines 1-26 and column 4, lines 19-37). Further, Herigstad teaches the illustrative embodiment may be used with a variety of applications while displaying many layers of hierarchical content (see column 3, lines 58-60 and column 4, lines 10-20). The inherent operations of including the apparatus of Herigstad on the variety of devices as shown above would include the functions or applications for talking on a phone, dialing numbers, playing games and accessing the Internet and allowing a user to press a single key to engage the desired function as shown on the display (see column 5, lines 15-27).

Herigstad fails to expressly disclose [the system where a One-Touch OS application software system is capable of processing handy personal information including phone numbers and addresses, taking notes in texts and in drawings, providing communication services including telephone connections, facsimile transmissions and receptions, electronic mailing, chatting service over the Internet, accessing the World Wide Web over the Internet, providing language tutoring and typing tutoring to computer users, providing game play to computer users, and providing audio and video playback.]

CE discloses an application that allows a user to create, setup and maintain any number of shortcuts or hot keys that relate to any application, file, editor, or utility. CE specifically mentions the ability to create a custom toolbar that holds a graphical representation of the file or program that the user would like to operate with the shortcut or hotkey (CE page 1, TOOLBARS). CE specifically mentions the ability to use or remap the existing hotkeys located on the machine to another more functional key. Hotkeys are not scripts or learned sequences or macros they are specific single or combinational pressed keys that enact an operation on the computer and can be any combination of keys (see Triggers section page 1). Further, CE teaches hotkeys can be used to control multimedia applications which would include audio and video playback services (see System Tools section Page 2 and Multimedia tools section page 2). Additionally, CE teaches the processing of a script as another function of CE where a user can program a series of dialog options to appear in the sequence of events or choices made by the user, which are associated to specific keys pressed by the user on the keypad. The dialog options can be used to provide instruction to the user as to the context of the selection (see Sequencing tools page 2). CE and Herigstad are analogous art because they are from the same field of endeavor of using keyboard commands to directly launch a specific application, program, file or utility with a single button.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Herigstad and CE before him at the time of the invention was made, to modify the system of Herigstad to incorporate the drawing, note taking, language tutoring, and game playing as taught by CE, in order to obtain a system that is able to associate or launch with a single key

any application the user wants to control with a key on the keyboard. One would have been motivated to make such a combination because of the timesavings and allows the user to operate the computer the way they want as taught by CE.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Response to Arguments

8. Applicant's arguments filed 06/30/2005 have been fully considered but they are not persuasive.

Applicants argument that Herigstad does not teach a sequential presentation of selections

Applicant argues that Herigstad does not teach a sequential numbering of keys to a present a groups of selections to the user because the applicant asserts that the regions on the screen are directly mapped to the nine keys on the keypad. (See applicants' argument page 13, Para 1, lines 1-5).

The Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., numbering keys sequentially to present to the user) are not recited in the rejected claim(s). While the claims do recite the presentation of options to a user there is no mention that the selections follow a specific sequence of numbered numeric and functional key operations. In fact, there are no claims in the current application that correspond to or recite a sequential presentation of keys. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, Herigstad expressly teaches the ability to sequence a set of keys and where the selection of a particular key will yield a lower sub-set of keys containing more information or additional selections (see column 4, lines 5-10 and column 8, lines 25-35)

Applicants' argument regarding the teaching or suggestion to combine Herigstad and CE.

Applicant argues that the teaching or suggestion to combine Herigstad with CE and achieve reasonable expectation of success is not met because the applicant asserts that Herigstad nor CE teach an association with numeric and functional keys is accomplished by numbering keys in sequence to present a group of selections to a user. Further, Applicant argues that Herigstad teaches a physical layout corresponding to the association and CE teaches a scripting process that one of ordinary skill in the art would not combine the references (see applicants argument page 14 Para 2, lines 6-12).

The Examiner disagrees.

Herigstad expressly teaches other embodiments where the sequencing of keys is used in a television set-top box to effect the operation of the TV guide. Further, Herigstad teaches the physical layout is not limited and is merely illustrative and that the regions do not have to have borders and the keypad does not have to be used since characters can be used instead. Which would allow for the display to be broken down into any number of regions and a sequencing of options to be presented to the user. Further, CE teaches Scripting as the applicant asserts but CE also teaches the process of remapping existing "hot keys" to new ones. The definition of a hot key as defined by (<http://dictionary.reference.com/search?r=2&q=hot%20key>) teaches that a "hot key" can be a single key or a combination of keys pressed to enact a computer operation. CE teaches the combination of both scripting key sequences and remapping "hot keys" which allows a user to customize the common or uncommon computer options to work with single key press operation for the purpose of simplifying the computer control process of specific functions.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,492,977 B1 to Marshall et al. issued Dec. 10, 2002 and filed Apr. 23, 1997, and discloses an automated help system for reference information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BA HUYNH
PRIMARY EXAMINER